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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Couto et al.

Customer No.: 20,995

Serial No.: 09/740,211

Group Art Unit: 1633

Filing Date: December 18, 2000

Examiner: B. Whiteman

Title: ADENO-ASSOCIATED VIRUS VECTOR COMPOSITIONS FOR  
EXPRESSION OF FACTOR VIII

**TERMINAL DISCLAIMER**

**RECEIVED**

Assistant Commissioner for Patents  
Washington, D.C. 20231

APR 25 2002  
TECH CENTER 1600/2900

Sir:

Pursuant to 37 C.F.R. 1.321(b) the undersigned attorney of record is empowered to act on behalf of the Assignee, Avigen, Inc., hereinafter "Assignee," a Delaware corporation, having an address at 1301 Harbor Bay Parkway, Alameda, California 94502.

In accordance with 37 C.F.R. 3.73(b), Assignee represents that it is the owner of the entire right, title and interest in and to U.S. Patent No. 6,200,560 filed 12/22/99 and issued 3/13/01, by virtue of an assignment recorded 4/24/00 at Reel 010727, Frame 0441, as well as the owner of the entire right, title and interest in and to U.S. Patent No. 6,221,349 filed 7/30/99 and issued 4/24/01, by virtue of an assignment recorded 11/22/99 at Reel 010390, Frame 0989.

Further, in accordance with 37 C.F.R. § 3.73(b), Assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of Assignee's knowledge and belief, title is in the assignee seeking to take this action.

The assignee hereby disclaims the terminal part of any patent granted on the herein application Serial No. 09/740,211 which would extend beyond the expiration date of U.S. Patent Nos. 6,200,560 and 6,221,349, and agrees that any patent granted on the

herein application 09/740,211 will be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 6,200,560 and 6,221,349, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent Nos. 6,200,560 and 6,221,349 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title state above.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR

Date: April 17, 2002

DEAT

By: Daniel Altman

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